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In re Application of
POWER, et al.
U.S. Application No.: 10/597,737
PCT No.: PCT/AU05/00145
Int. Filing Date: 04 February 2005
Priority Date: 05 February 2004
Attorney Docket No.: 42399/45004
For: METHOD AND APPARATUS FOR
MANUFACTURING AN OPTICAL
COMPONENT

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Petition Under 37 CFR 1.47(a)" filed 04 October 2007 in the United States Patent and Trademark Office (USPTO) and supplemented on 10 December 2007.

BACKGROUND

On 04 February 2005, applicant filed international application PCT/AU05/00145, which claimed a priority date of 05 February 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 05 August 2006.

On 04 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, a First Preliminary Amendment and an Information Disclosure Statement.

On 04 April 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicants of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 04 October 2007, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time and payment of the appropriate four-month extension fee. With the filing of the extension of time petition and payment of the extension fee, applicant's response is considered timely filed.

On 10 December 2007, applicant filed a supplemental petition which included a combined declaration and power of attorney executed by the two joint inventors which were the subject of the petition under 37 CFR 1.47(a) considered herein.

DISCUSSION

A review of the papers filed 10 December 2007 finds that applicant has now provided declarations executed by all of the four inventors listed on the published international application. As such, the petition filed 04 October 2007 is moot. Applicant has presently satisfied all of the 35 U.S.C. 371 requirements for this U.S. National stage application.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED as moot.**

The application has an international filing date of 04 February 2005 under 35 U.S.C. 363, and will be given a date of **10 December 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).



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